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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,999	07/30/2003	Richard Bodin	22171.353	7723
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HAYNES AND BOONE, LLP IP Section 2323 Victory Avenue Suite 700 Dallas, TX 75219			EXAMINER MATTIS, JASON E	
			ART UNIT 2416	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/630,999	BODIN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	JASON E. MATTIS	2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 29 October 2008.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,3-9 and 12-20 is/are rejected.

7) Claim(s) 2,10 and 11 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

1. This Office Action is in response to the Amendment filed 10/29/08. Claims 1-20 are currently pending in the application.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-9, 12-16, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Forslow (U.S. Pat. 6608832 B2).

With respect to claim 1, Forslow discloses a method for providing a packet-based multimedia service to a mobile device in a network wherein the service is defined by a telecommunications standard and wherein the network does not support packet quality of service functionality as required by the standard (**See the abstract, column 4 line 61 to column 6 line 33, and Figure 2 of Forslow for reference to a method for providing a packet-based multimedia application flow, which is a service, to a mobile station in a wireless packet-switched network 51, wherein the packet**

**switched network 51 does not support a quality of service required by a standard of the application flow).** Forslow also discloses establishing a packet signaling connection between the mobile device and network (**See column 6 lines 34-47 and column 10 lines 18-39 of Forslow for reference to establishing a packet-switched bearer service to transport application control messages, which are signaling messages, between the mobile station and the network**). Forslow further discloses establishing a circuit bearer connection between the mobile device and network (**See column 10 lines 18-39, column 11 line 56 to column 12 line 10, and Figure 7 of Forslow for reference to establishing a circuit-switched bearer service to transport audio and video data**). Forslow also discloses transferring signaling information for the multimedia service via the packet signaling connection in alignment with the standard (**See column 6 lines 34-47, column 10 lines 18-39, column 11 line 56 to column 12 line 10, and Figure 7 of Forslow for reference to control messages for the applications being transferred using the packet-switched bearer service in alignment with application standards**). Forslow further discloses transferring data for the multimedia service via the circuit bearer connection in alignment with the standard wherein the multimedia service is provided to the mobile device via the network as specified by the standard even through the network does not support QoS functionality (**See column 6 lines 34-47, column 10 lines 18-39, column 11 lines 29-42, column 11 line 56 to column 12 line 10, and Figure 7 of Forslow for reference to transferring audio and video data of applications through the circuit-switched bearer service to provide the applications to the mobile station as**

**specified by application standards using a course QoS provided by the circuit-switched bearer service even though the network does not support the required QoS functionality).**

**With respect to claim 3,** Forslow discloses controlling the transfer of data via the circuit bearer connection using the signaling information (**See column 6 lines 34-47, column 10 lines 18-39, column 11 line 56 to column 12 line 10, and Figure 7 of Forslow for reference to control messages sent via the packet-switched bearer service being used to control the data sent via the circuit-switched bearer service).**

**With respect to claim 4,** Forslow discloses the network requesting the circuit bearer connection (**See column 16 lines 51-65 and Figure 10 of Forslow for reference to a GGSN, which is part of the network, selecting and requesting use of a circuit-switched bearer).**

**With respect to claim 5,** Forslow discloses the mobile device initiating a request for the circuit bearer connection (**See column 18 lines 22-38 and Figure 11 of Forslow for reference to an embodiment whereby packet header information, which is inserted into data by the mobile station, is used to initiate a request for a circuit-switched bearer).**

**With respect to claim 6,** Forslow discloses maintaining the circuit bearer and packet signaling connections simultaneously (**See column 10 lines 18-39, column 11 line 56 to column 12 line 10, and Figure 7 of Forslow for reference to maintaining**

**simultaneous a packet-switched bearer service for control data and a circuit-switched bearer service for application data).**

**With respect to claim 7**, Forslow discloses bridging the circuit bearer connection with an endpoint bearer connection establishing a link between the mobile device and the endpoint bearer connection (**See column 9 lines 25-37 of Forslow for reference to using an ISP to bridge data between the mobile station and an end system).**

**With respect to claim 8**, Forslow discloses a method for providing packet-based multimedia service to an endpoint in a wireless network wherein the service is defined by a telecommunication standard and wherein the network does not support packet quality of service mechanism specified by the standard (**See the abstract, column 4 line 61 to column 6 line 33, and Figure 2 of Forslow for reference to a method for providing a packet-based multimedia application flow, which is a service, to a mobile station, which is an endpoint in a wireless packet-switched network 51, wherein the packet switched network 51 does not support a quality of service mechanism specified by a standard of the application flow**). Forslow also discloses establishing a packet-based signaling context between the endpoint and a gateway (**See column 6 lines 34-47 and column 10 lines 18-39 of Forslow for reference to establishing a packet-switched bearer service to transport application control messages, which are signaling messages, between the mobile station and a MSC, which acts as a gateway**). Forslow further discloses establishing a circuit bearer leg between the endpoint and the gateway using the signaling context (**See column 10**

**lines 18-39, column 11 line 56 to column 12 line 10, and Figure 7 of Forslow for reference to establishing a circuit-switched bearer service between the mobile station and the MSC to transport audio and video data with the circuit-switched bearer service being control by the control data of the packet-switched bearer service).** Forslow also discloses controlling the transfer of data via the circuit bearer leg using the signaling context to control the provision of the packet-based multimedia service via the circuit bearer leg in alignment with the standard (**See column 6 lines 34-47, column 10 lines 18-39, column 11 lines 29-42, column 11 line 56 to column 12 line 10, and Figure 7 of Forslow for reference to controlling transfer of audio and video data of applications through the circuit-switched bearer service via the packet-switched bearer service to provide the applications to the mobile station in alignment with the application standards**).

**With respect to claim 9,** Forslow discloses initiating the establishment of the circuit bearer leg by either the endpoint or the gateway (**See column 16 lines 51-65 and Figure 10 of Forslow for reference to a MSC establishing a circuit-switched bearer**).

**With respect to claim 12,** Forslow discloses providing a codec indicating that a circuit bearer is being used (**See column 6 lines 34-47, column 10 lines 18-39, column 11 line 56 to column 12 line 10, and Figure 7 of Forslow for reference to indicating that a circuit-switched bearer is being used to transfer some portion of data**).

**With respect to claim 13**, Forslow discloses provisioning the endpoint with a null codec to prevent voice packets from being sent via an available packet signaling connection (**See column 9 lines 39-53 and column 11 lines 11-28 of Forslow for reference to using only the optimum bearer type for voice packets whereby voice packets are only sent by the mobile station using the circuit-switched bearer service and not the packet-switched bearer service**).

**With respect to claim 14**, Forslow discloses using a packet-based session initiation protocol (**See column 11 line 56 to column 12 line 10 for reference to the packet-switched bearer using SIP**).

**With respect to claim 15**, Forslow discloses a telecommunications system for providing a packet-based multimedia service to a mobile station in a wireless network (**See the abstract, column 2 lines 44-63, and Figure 2 of Forslow for reference to a mobile communications system providing a packet-based application service to a mobile station in a wireless network**). Forslow also discloses that the service is defined by a telecommunications standard wherein the network does not support a packet QoS mechanism specified by the standard (**See column 4 line 61 to column 6 line 33 and Figure 2 of Forslow for reference to a providing a packet-based multimedia application flow, which is a service, to the mobile station, wherein the network does not support a quality of service mechanism specified by a standard of the application flow**). Forslow further discloses a P-CSCF (**See column 2 lines 44-63 and Figure 2 of Forslow for reference to a BSC, which acts as a P-CSCF**). Forslow also discloses a media gateway connected to the P-CSCF (**See column 2**

**lines 44-63 and Figure 2 of Forslow for reference to a MSC, which is a gateway, connected to the BSC).** Forslow further discloses instructions for establishing a packet signaling connection between the MS and the P-CSCF (**See column 6 lines 34-47 and column 10 lines 18-39 of Forslow for reference to establishing a packet-switched bearer service to transport application control messages, which are signaling messages, between the mobile station and the BSC**). Forslow also discloses establishing a circuit bearer connection between the MS and the media gateway (**See column 10 lines 18-39, column 11 line 56 to column 12 line 10, and Figure 7 of Forslow for reference to establishing a circuit-switched bearer service between the mobile station and the MSC to transport audio and video data**).

Forslow further discloses transferring signaling information for the multimedia service between the P-CSCF and the media gateway and between the P-CSCF and the MS via the packet signaling connection in alignment with the standard (**See column 6 lines 34-47, column 10 lines 18-39, column 11 line 56 to column 12 line 10, and Figure 7 of Forslow for reference to control messages for the applications being transferred between the mobile station, MSC, and BSC using the packet-switched bearer service in alignment with application standards**). Forslow also discloses transferring data for the multimedia service between the media gateway and the MS via the circuit bearer connection in response to the signaling information (**See column 6 lines 34-47, column 10 lines 18-39, column 11 lines 29-42, column 11 line 56 to column 12 line 10, and Figure 7 of Forslow for reference to transferring audio and video data of applications through the circuit-switched bearer service between**

**the mobile station and the MSC in response to the control information sent via the packet-switched bearer service).**

**With respect to claim 16, Forslow discloses an S-CSCF connected to the P-CSCF and an endpoint where a communications leg between the S-CSCF and the endpoint can be bridged with the circuit bearer connection to form a call session (See column 3 lines 24-52, column 6 lines 34-47, column 10 lines 18-39, column 11 line 56 to column 12 line 10, and Figure 7 of Forslow for reference to an SGSN, which acts as a S-CSCF, connected to the BSC and an endpoint to bridge a session between the mobile station and the endpoint).**

**With respect to claim 19, Forslow discloses a MSC between the MS and the media gateway with the circuit bearer connection established between the MS and MSC and an intelligent gateway between the MSC and P-CSCF mapping signaling messages between the P-CSCF and the MSC (See column 2 lines 44-63 and Figure 2 of Forslow for reference to the MSC being a media gateway as well as and MSC and for reference to the BSC being an intelligent gateway between the MSC and the P-CSCF mapping singling messages between the two).**

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 17, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forslow in view of Surdila et al. (U.S. Publication US 2002/0110104 A1).

**With respect to claims 17, 18, and 20,** Forslow does not specifically disclose a HSG connected to media servers in a UMTS wireless network.

**With respect to claims 17, 18, and 20,** Surdila et al., in the field of communications, discloses an HSG connected to media servers in a UMTS wireless network (**See the abstract, page 1 paragraph 4, and page 2 paragraph 17 of Surdila et al. for reference to a HSG connected to servers in a UMTS wireless network**).

Using an HSG connected to media servers in a UMTS wireless network has the advantage of providing more integrated switching and server functionality in a wireless network (**See page 1 paragraph 4 for reference to this advantage**).

It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Surdila et al., to combine an HSG connected to media servers in a UMTS wireless network, as suggested by Surdila et al., with the system and method of Forslow, with the motivation being to provide integrated switching and server functionality in a wireless network.

***Allowable Subject Matter***

6. Claims 2, 10, and 11 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

7. Applicant's arguments filed 10/29/08 have been fully considered but they are not persuasive.

Regarding Applicant's arguments that Forslow does not disclose signaling information for the multimedia service transferred via the packet signaling connection and data for the multimedia service transferred via the circuit bearer connection, whereby transfer of data via the circuit bearer connection is controlled using the signaling information with the packet signaling connection and circuit bearer connection being maintained simultaneously, as claimed, the Examiner respectfully disagrees.

Applicant argues that Forslow discloses selecting either a circuit switched transfer service or a packet switched transfer for each individual application flow. While this is true, it does not preclude Forslow from simultaneously transferring signaling information for a multimedia service via a packet signaling connection and corresponding data for the multimedia service via a circuit bearer connection, as claimed. For example, Forslow discloses breaking an application into separate flows, including a control flow

that carriers control data for the application, and separately selecting whether to use a packet bearer or a circuit bearer for each of the flows (See column 11 line 56 to column 12 line 34 of Forslow). In this manner the audio and video flows may be transferred via circuit bearers while the control flows are transferred via packet bearers. Forslow also discloses that real-time data, such as audio and video, are better transferred via a circuit bearer, while non-real time control data is better transferred via a packet bearer (See column 6 lines 34-38 and column 10 lines 31-39 of Forslow). Thus, Forslow discloses that each flow of an application is separated and serviced using a packet bearer or circuit bearer, as determined appropriate, whereby signaling control data is transferred via a packet bearer, and audio and video data is transferred via a circuit bearer (See column 10 lines 31-53 of Forslow). Therefore, Forslow does disclose simultaneously transferring signaling information via a packet signaling connection and data via a circuit bearer connection, with the transfer of data via the circuit bearer being controlled using the signaling information, as claimed.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON E. MATTIS whose telephone number is (571)272-3154. The examiner can normally be reached on M-F 8AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason E Mattis

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Examiner  
Art Unit 2416

JEM

/Jason E Mattis/  
Examiner, Art Unit 2416